

STIP

1 **GABRIEL L. GRASSO, ESQ.**  
2 **State Bar Number 7358**  
3 **9525 Hillwood Drive, Suite 190**  
4 **Las Vegas, Nevada 89134**  
5 **(702) 868-8866**  
6 **Attorney for YANCEY**

7 **UNITED STATES DISTRICT COURT**

8 **IN AND FOR THE DISTRICT OF NEVADA**

9 **UNITED STATES OF AMERICA,** )

10 **Plaintiff,** )

11 **vs.** )

12 **DAVID YANCEY,** )

13 **Defendant.** )

**Case No.: 2:13-cr-00407-KJD-CWH**

**STIPULATION TO CONTINUE  
CALENDAR CALL AND TRIAL DATE**

**(FIFTH REQUEST)**

14  
15 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

16 IT IS STIPULATED between the defendant DAVID YANCEY through his attorney  
17 GABRIEL L. GRASSO, ESQ. and the United States of America, through ROBERT  
18 KNIEF, Assistant United States Attorney, that the calendar call currently scheduled for  
19 June 9, 2015, at the hour of 9:00 a.m., the jury trial currently scheduled for June 15, 2015,  
20 at the hour of 9:00 a.m., be vacated and set to a date and time convenient to this court,  
21 but no event earlier than ninety (90) days.

22 This Stipulation is entered into pursuant to General Order 2007-04 and based  
upon the following:

- 23 1. There have been four previous continuances granted to the defense in this  
24 case.  
25 2. The defense has completed its discovery review and has been in plea  
26 negotiations with the Government.  
27 3. Following plea negotiations no agreement has been finalized. The defense is  
28 proceeding with trial preparation.

4. Counsel for the defense is set for trial in two major multi-defendant fraud cases in the coming weeks. U.S. v. Williams, 2:12-cr-00463-JCM-VCF, set to begin on June 29, 2015 and expected to last 3 weeks. U.S. v Brandel. 2:13-cr-00439-LDG-VCF, set to begin on July 21, 2015 and expected to last 5 weeks.
5. Consequently, The defense will require additional time to complete the trial preparation process.
6. The defendant is on pretrial release and does not object to this continuance.
7. The parties agree to the continuance.
8. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence.
9. Also, denial of this request or continuance would result in a miscarriage of justice.
10. For the above stated reasons, the parties agree that a continuance of the calendar call and trial date would best serve the ends of justice in this case.
11. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).
12. This is the fifth request for a continuance of the calendar call and trial date in this case.

DATED this 5th day of June, 2015.

RESPECTFULLY SUBMITTED BY:

/s/ Robert Knief  
ROBERT KNIEF  
Assistant United States Attorney

/s/ Gabriel L. Grasso  
GABRIEL L. GRASSO  
Attorney for Defendant

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UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID YANCEY,

Defendant.

Case No.: 2:13-cr-00407-KJD-CWH

STIPULATION TO CONTINUE  
CALENDAR CALL, TRIAL DATE,  
AND MOTION DEADLINE

(FIFTH REQUEST)

FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. Defense counsel will require additional time to be available for and prepare for trial, taking into account defense counsel's federal trial schedule.
2. This stipulation complies with General Order 2007-04.
3. The defendant is not incarcerated and does not object to the continuance.

CONCLUSIONS OF LAW

1. Denial of this request for continuance would deny the defense herein sufficient time and the opportunity within which to be able to effectively and thoroughly research and prepare this case, taking into account the exercise of due diligence.

2. Additionally, denial of this request for continuance would result in a miscarriage of justice.
3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the trial date, and such continuance outweighs the best interest of the public and the defendant to a speedy trial.
4. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).
5. This is the fifth request for a continuance.

**ORDER**

**IT IS ORDERED** that calendar call currently scheduled for June 9, 2015, at the hour of 9:00 a.m., be vacated and continued to 10/13/15 at the hour of 9:00 a.m., and the trial in the above captioned matter currently scheduled for June 15, 2015, at the hour of 9:00 a.m., be vacated and continued to 10/19/15 at the hour of 9:00 a.m.

**IT IS FURTHER ORDERED** that the trial briefs, proposed voir dire questions, proposed jury instructions, and the list of the Government's prospective witnesses shall be submitted to the Court by 10/13/15, 2015, at the hour of 4:00 p.m.

IT IS SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

DATED: 6-9-15